

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOHN EDWARD MULL,)
)
Defendant.)

4:99cr3043

**MEMORANDUM
AND ORDER**

The defendant has filed a motion, filing 640, that I construe as seeking a reduction of sentence pursuant to the retroactive amendments to the “crack” Guidelines. The Court has developed procedures to deal with such a motion. The Federal Public Defender has been appointed to represent the defendant in this matter, filing 641. Therefore,

1. No later than February 13, 2009, the probation office shall provide the undersigned *and* counsel of record with a “Retroactive Sentencing Worksheet.” If the officer requires additional time, a request may be made to the undersigned by e-mail. The Clerk’s office shall provide the Probation Office with a copy of this order.
2. No later than March 2, 2009, counsel of record shall confer and do one of the following:
 - A. File a stipulation containing the following provisions: (i) an agreement that the defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10; (ii) an agreement that the defendant may be resentenced without being present and without further

notice; and (iii) an agreement regarding the recommended sentence.

- B. In lieu of the stipulation provided in paragraph A, counsel for the government shall contact my judicial assistant and arrange a telephone conference with the undersigned and counsel for the defendant so that further progression of this case may be scheduled.

Dated December 31, 2008.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge